

EXHIBIT

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LETITIA JAMES
ATTORNEY GENERAL

SERENA LONGLEY
DEPUTY GENERAL COUNSEL
EXECUTIVE DIVISION

July 25, 2022

VIA EMAIL

Rita Glavin
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New York, NY 10019
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Re: *Trooper 1 v. New York State Police, et al.*,
Civil Action No. 22-cv-00893 (E.D.N.Y.)
Initial Response and Objections to Nonparty Subpoena

Dear Counsel:

I write on behalf of the Office of the Attorney General ("OAG") in response to Defendant Andrew Cuomo's Subpoena to produce documents and information ("Nonparty Subpoena") in the above-referenced action. The Nonparty Subpoena is dated July 7, 2022 and was served on the OAG on July 11, 2022.

Although the OAG is not a party to the above-referenced action, it has reviewed the docket and observed that the case is at the beginning stages: motions to dismiss by all defendants are currently being briefed and scheduled to be fully submitted by August 30, 2022, there is a pending request to stay discovery until those motions to dismiss are resolved, and there appear to be open disputes about the proper scope of discovery for the case.


Accordingly, the OAG objects to the Nonparty Subpoena as premature. The OAG is prepared to discuss the proper scope of discovery of it as a nonparty to this action after the forthcoming motions to dismiss are resolved. At the appropriate time, the OAG will provide any relevant non-privileged materials it has in response to the Nonparty Subpoena that are reasonable in scope and not unduly burdensome given the OAG's nonparty status; privileged materials will be logged, where appropriate, consistent with the Local Rules. However, at this inchoate stage of the litigation, such a broad and sweeping subpoena to a nonparty is unwarranted and objectionable.

The OAG generally objects to Defendant's Nonparty Subpoena pursuant to FRCP 45(d)(2)(b) to the extent it calls for the production of documents beyond the scope of FRCP 26(B)(1) and/or protected from disclosure under privilege or otherwise confidential information.

The OAG is not a party to this action and further objects to Defendant's document requests as overbroad and unduly burdensome.

The OAG submits this letter without waiving any objections or waiving its rights, including but not limited to, moving to quash the Nonparty Subpoena, in part or in its entirety, or moving for a protective order preventing Defendant Cuomo from issuing further requests for discovery from the OAG.

Respectfully,

A handwritten signature in black ink, appearing to read 'Serena Longley', with a stylized flourish at the end.

Serena Longley
Deputy General Counsel
Serena.Longley@ag.ny.gov